

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RANDAL DOCK, on behalf of
Jasminh Young-Dock,

Plaintiff,

vs.

MELINDA MARIE YOUNG,
TERRANCE GLEN YOUNG,

Defendants.

2:10-CV-00967-PMP-PAL

FINDINGS OF FACT

AND

CONCLUSIONS OF LAW

On July 24 and 25, 2012, this case came on for trial before the Court sitting without a jury. Based upon the evidence adduced, and the arguments presented by Plaintiff and Defendant, each appearing pro-se, the Court hereby enters the following Findings of Fact and Conclusions of Law:

Plaintiff Randal Dock and Defendant Melinda Young are the parents of Jasminh Young-Dock ("Jasminh"), and have for several years been engaged in a hotly contested child custody and child support case in Nevada State Court. Defendant Terrance Young is Melinda's current husband. The dispute in this case arises from events commencing in August 2006 through the initiation of these proceedings in June 2010.

In his Amended Complaint (Doc. #41) filed December 7, 2010, Plaintiff alleges that following the filing of a motion to terminate child support in Nevada State Court on August 23, 2006, Defendant Melinda Young made allegations on September 11, 2006, that their daughter, Jasminh (who was three years old at the time), had stated

1 that the Plaintiff had touched her on her vaginal area with what she described as a “burning
2 touch.” A medical examination that evening revealed no evidence of sexual abuse, but
3 Defendant Melinda Young, and her current husband, Terrance Young, filed what Plaintiff
4 claims is a “baseless” Temporary Protective Order motion in State Court. Defendant
5 Melinda Young also contacted the Las Vegas Metropolitan Police Department on
6 September 11, 2006, and reported that Plaintiff had sexually abused Jasminh between
7 September 6 and September 9, 2006. Clark County Child Protective Services also
8 investigated the matter on behalf of the Nevada State Court resulting in the issuance of a
9 Temporary Protective Order which temporarily prohibited Plaintiff from contacting Jasminh
10 or Melinda. Plaintiff Dock further alleges that Defendants’ allegation of sexual abuse of
11 Jasminh resulted in his wrongful arrest and prosecution causing significant emotional
12 distress until his acquittal of criminal charges on January 10, 2008.

13 Based on the foregoing events, Plaintiff alleges claims for violation of civil rights
14 pursuant to 42 U.S.C. § 1983 damages from Defendants Melinda and Terrance Young.

15 At trial, only three witness were called to testify. Defendant Terrance Young
16 testified that he had no personal knowledge of the facts resulting in his wife’s claim that
17 Plaintiff Dock sexually abused Jasminh, but that he wanted to be supportive of his wife in
18 connection with the filing of the motion for protective order. Terrance Young further
19 testified that he was never interviewed by Child Protective Services regarding the matter.

20 Defendant Melinda Young testified that her allegations against Plaintiff Dock
21 were based upon what her three year-old daughter, Jasminh, told her. She denies that the
22 allegations were motivated by Plaintiff Dock’s earlier filing of a motion to terminate child
23 support, and further denied that she ever conspired with Child Protective Services Case
24 Worker Lisa Ford to deprive Plaintiff Dock of any cognizable Constitutional rights.
25 Melinda Young further testified that in making the allegations of sexual abuse on behalf of
26 Jasminh, she did not consider the potential consequences of such allegations for Plaintiff

1 Dock, and testified that she was simply motivated by a desire to protect her daughter.

2 Plaintiff Dock testified that the claims of sexual abuse were groundless, and that
3 it took him two years to clear his name and to reestablish his right to joint custody of his
4 daughter, Jasmine.

5 Plaintiffs' federal claims, and the jurisdiction of this Court, depend upon the
6 viability of Plaintiff Dock's contention that Clark County Protective Services Case Worker
7 Lisa Ford functioned as a co-conspirator or agent of his former wife, Melinda Young,
8 thereby establishing the requisite "state action" to support claims under 42 U.S.C. § 1983.
9 *Franklin v. Fox* 312 F. 3d 423 (9th Cir. 2002). The Court finds, however, that the evidence
10 adduced at trial is simply insufficient to establish by a preponderance of the evidence that
11 Defendant Melinda Young and Clark County Child Protective Services Case Worker Lisa
12 Ford, or anyone else on behalf of the State of Nevada, or County of Clark, willfully
13 participated in joint action to deprive Plaintiff Dock of a right secured by the Constitution
14 or laws of the United States.

15 Additionally, there is little or no evidence that Defendant Terrance Young
16 engaged in specific action intended to deprive Plaintiff Dock of any cognizable rights.
17 Further, the evidence adduced at trial is simply insufficient for the Court to determine one
18 way or the other whether Melinda Young's reporting of sexual abuse of Jasminh was
19 motivated by a desire to wrongfully deprive Plaintiff of his rights to child custody, or was in
20 response to Plaintiff Dock's earlier filed motion to terminate child support payments, or for
21 some other improper purpose, or alternatively whether it was simply motivated, as she
22 testified, by a desire to protect her three year-old daughter. Clearly the evidence has not
23 demonstrated "an agreement or meeting of the minds to violate constitutional rights"
24 between Defendant Melinda Young and Child Protective Services Case Worker Lisa Ford.
25 *Crow v. City of San Diego* 608 F. 3d. 406, 440 (9th Cir. 2010).

1 The exhibits introduced at trial can be interpreted to favor the position of Plaintiff
2 or Defendants, but the testimony of the only witnesses presented at trial is simply
3 insufficient to enable the Court to determine that Plaintiff's claims are more probably true
4 than not true. As a result, the Court concludes Plaintiff has failed to sustain his burden of
5 proof, and further has failed to establish that this Court has jurisdiction to consider his
6 claims under 42 U.S.C. § 1983.

7 **IT IS THEREFORE ORDERED** that judgment is entered in favor of
8 Defendants and against Plaintiff with each Party being required to bear their own costs of
9 suit.

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11 DATED: January 3, 2013.

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14 PHILIP M. PRO
15 United States District Judge
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